Government of Kerala
1976

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXI] Trivandrum, Wednesday, 25th February 1976 / 6th Phalguna 1897 [No. 117

ERRATUM TO NOTICE

UNDER SECTION 9 (5) OF THE KERALA LAND ACQUISITION ACT 1961 (ACT 21 OF 1962)

No. LA2. 9/74 (K1). *21st February 1976.*

In the particulars of land published under section 9 (5) of the K. L. A. Act 1961 (Act 21 of 1962) published in Kerala Gazette Extra-ordinary No. 811 dated 3-12-1974.

3-12-1974-ാം തീയതിയിലെ 811-ാം നമ്പർ അസാധാരണ ഗസററിൽ കേരളാസ്ഥലമെടുപ്പു ആക്റ്റ് 1961 (1962-ലെ 21-ാം ആക്റ്റ്) സെക്ഷൻ 9 (5) അനുസരിച്ചുള്ള പരസ്യത്തിൽ ഭൂമിയുടെ വിവരണത്തിൽ—

For:			Read:		
Sy. No.	*Village*	*Extent*	*Sy. No.*	*Village*	*Extent*
		h. a. sq. m.			h. a. sq. m.
1300/21-2	Veiloor	00 0336	1300/21-2	Veiloor	00 0313

(Sd.)
Special Tahsildar,
L. A. (N. H.) Kazhakkuttom.

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33/737/MC

Government of Kerala
1976

Reg. No. KL/TV/18

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXI] Trivandrum, Wednesday, 25th February 1976 / 6th Phalguna 1897 [No. 118

GOVERNMENT OF KERALA

Local Administration and Social Welfare (G) Department

NOTIFICATION

G.O. (MS) No. 40/76/LA&SWD.

Dated, Trivandrum, 20th February 1976.

S. R. O. No. 238/76.—In exercise of the powers conferred by sub-section (2) of section 531 of the Town Planning Act, 1108 (IV of 1108), and sub-section (2) of section 541 of the Madras Town Planning Act, 1920 (Madras Act VII of 1920), the Government of Kerala hereby transfer the assets and liabilities of the Cochin Town Planning Trust to the Greater Cochin Development Authority constituted under Notification G.O. Ms. No. 1/76/LA&SWD dated 23-1-1976 and published as S. R. O. No. 124/76 in the Kerala Gazette Extraordinary No. 36 dated 23-1-1976.

By order of the Governor,

S. KRISHNAKUMAR,
Additional Secretary.

33/742/MC.

Explanatory Note

This does not form part of the notification but is intended to indicate its general purport. In G.O. (Ms) No. 19/76/LA&SWD dated 23-1-1976 Government have constituted the Greater Cochin Development Authority. It is therefore necessary to transfer the assets and liabitities of Trust to the Greater Cochin Development Authority. This notification is intended to achieve the above purpose

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TRIVANDRUM, 1976.

Government of Kerala
1976

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KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXI] Trivandrum, Wednesday, 25th February 1976 / 6th Phalguna 1897 [No. 119

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 1905/LA4/76. *Dated, Trivandrum, 25th February 1976.*

The Town Planning Laws (Amendment) Bill, 1976 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1976.

33/754/MC.

THE TOWN-PLANNING LAWS (AMENDMENT) BILL, 1976

A

BILL

further to amend the Town-Planning Act (IV of 1108) and the Madras Town-Planning Act, 1920 (Madras Act VII of 1920).

Preamble.—WHEREAS it is expedient further to amend the Town-Planning Act (IV of 1108), and the Madras Town-Planning Act, 1920 (Madras Act VII of 1920);

BE it enacted in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Town-Planning Laws (Amendment) Act, 1976.

2. *Insertion of New Chapter IX-A in Act IV of 1108.*—After Chapter IX of the Town-Planning Act (IV of 1108), the following Chapter shall be inserted, namely:—

"Chapter IX-A

Development Authorities

53A. *Creation of development authorities.*—(1) If the Government decide that the interests of planning and development in any area will be best served by entrusting it to a special authority, they may, by notification in the Gazette, constitute a special authority to be called "the................(name of the area) Development Authority" (hereinafter referred to as "the development authority") and thereupon the duty of carrying out the provisions of this Act in such area shall, subject to the conditions and limitations hereinafter contained and those specified in such notification, be vested in the development authority.

(2) The development authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

53B. *Constitution of development authority.*—(1) The development authority shall consist of the following members, namely:—

(a) a chairman appointed by the Government;

(b) persons elected by the members of the local authorities having jurisdiction in the area for which the development authority has been constituted;

(c) persons nominated by the Government; and

(d) the Secretary of the development authority, *ex-officio*.

(2) The development authority may also include representatives of transport undertakings or corporations established by or under any Central or State law, chambers of commerce, co-operative societies and similar bodies or associations nominated by the Government.

(3) The Government shall fix the strength of the development authority which shall not be less than eleven or more than twenty-eight, the number of the members to be elected under clause (b) of sub-section (1) by each local authority or two or more local authorities, the local authorities by whom they shall be elected and the number of members to be nominated by the Government under clause (c) of sub-section (1):

Provided that the number of members nominated by the Government under clause (c) of sub-section (1) shall not exceed one-third of the total number of members of the development authority.

(4) A member of the development authority, other than the *ex-officio* member, shall hold office for a term of five years from the date of his appointment, election or nomination, as the case may be:

Provided that a member elected by a local authority under clause (b) of sub-section (1) or nominated by the Government under sub-section (2) shall cease to be a member on his ceasing to be a member of the local authority or body or association, as the case may be.

53C. *Appointment of Secretary*.—(1) The Government shall appoint an officer of the Government not below the rank of a Class I Officer as the Secretary of the development authority, who shall exercise such powers and perform such duties as may be prescribed or delegated to him by the development authority.

(2) The conditions of service of the Secretary shall be such as may be prescribed.

53D. *Power to borrow*.—(1) The development authority may borrow money by way of loans or debentures from such sources and on such terms and conditions as may be approved by the Government.

(2) The development authority shall maintain a sinking fund for the repayment of moneys borrowed under sub-section (1), and shall pay every year into the sinking fund such sum as may be sufficient for repayment within the period fixed of all moneys so borrowed.

(3) The sinking fund or any part thereof shall be applied in, or towards, the discharge of the loan for which such fund was created and until such loan is wholly discharged it shall not be applied for any other purpose.

53E. *Application of Act to development authorities.*—When a development authority has been duly constituted, the provisions of Chapters I to VIII of this Act shall, within the area for which it is constituted, apply in full as though the words "development authority" were substituted for the words "municipal council" and the words "Chairman of the development authority" were substituted for the words "Chairman of the council" or the word "Chairman", subject to such conditions and limitations as may be specified in the notification under section 53A constituting such authority.

53F. *Application of certain provisions to development authority.*—The provisions of sections 46, 47, 48, 50, 51, 52 and 53 shall, in so far as they are not inconsistent with the provisions of this Chapter, apply in respect of the development authority as though the words "development authority", "Chairman of the development authority" and "Secretary of the development authority" were substituted for the word "trust" and the words "Chairman of the trust" and "executive trustee" respectively and the words "member of the development authority" were substituted for the word "trustee".

53G. *Power to purchase land.*—The development authority may enter into agreement with any person for the purchase of any land for the purposes of any town-planning scheme, provided that the value of the land shall not exceed the value fixed by the District Collector.

53H. *Delegation of powers.*—The development authority may, with the previous sanction of the Government, delegate any of its powers under this Act to the Chairman of the development authority or the Secretary or any other officer of the authority.

53I. *Transfer of staff, assets and liabilities to development authority.*—(1) Every officer or other employee of a trust created for any area under section 44, in the employment of that trust immediately before the constitution of a development authority for that area shall, in so far as such employee is employed in connection with the affairs of the trust, become, as from such constitution, an officer or other employee, as the case may be, of that development authority and shall hold his office by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension and gratuity and other matters as he would have held under the trust if that development authority had not been constituted and shall continue to do so unless and until his employment under the development authority is terminated or until his remuneration, terms and conditions are duly altered by the development authority.

(2) The Government may, by notification in the Gazette, transfer the assets and liabilities of the trust created for any area under section 44 to the development authority constituted for that area.

(3) All the schemes notified, prepared and published by a trust created under section 44 in respect of any area shall be considered as schemes duly notified, prepared and published by the development authority constituted for that area."

3. *Insertion of new Chapter IX-A in Madras Act VII of* 1920.—After Chapter IX of the Madras Town-Planning Act, 1920 (Madras Act VII of 1920), as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956, (Central Act 37 of 1956), the following Chapter shall be inserted, namely:—

"Chapter IX-A

Development Authorities

54A. *Creation of Development authorities.*—(1) If the Government decide that the interest of planning and development in any area will be best served by entrusting it to a special authority, they may, by notification in the Gazette, constitute a special authority to be called "the.................. (name of the area) Development Authority" (hereinafter referred to as "the development authority") and thereupon the duty of carrying out the provisions of this Act in such area shall, subject to the conditions and limitations hereinafter contained and those specified in such notification, be vested in the development authority.

(2) The development authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

54B. *Constitution of development authority.*—(1) The development authority shall consist of the following members, namely:—

(a) a Chairman appointed by the Government;

(b) persons elected by members of the local authorities having jurisdiction in the area for which the development authority has been constituted;

(c) persons nominated by the Government; and

(d) the Secretary of the development authority, *ex-officio.*

(2) The development authority may also include representatives of transport undertakings or corporations established by or under any Central or State law, chambers of commerce, co-operative societies and similar bodies or associations nominated by the Government.

(3) The Government shall fix the strength of the development authority which shall not be less than eleven or more than twenty-eight, the number of the members to be elected under clause (b) of sub-section (1) by each local authority or two or more local authorities, the local authorities by whom they shall be elected and the number of members to be nominated by Government under clause (c) of sub-section (1):

Provided that the number of members nominated by the Government under clause (c) of sub-section (1) shall not exceed one-third of the total number of members of the development authority.

(4) A member of the development authority, other than the *ex-officio* member, shall hold office for a term of five years from the date of his appointment election or nomination, as the case may be:

Provided that a member elected by a local authority under clause (b) of sub-section (1) or nominated by the Government under sub-section (2) shall cease to be a member on his ceasing to be a member of the local authority or body or association, as the case may be.

54C. *Appointment of Secretary.*—(1) The Government shall appoint an officer of the Government not below the rank of a Class I Officer as the Secretary of the development authority, who shall exercise such powers and perform such duties as may be prescribed or delegated to him by the development authority.

(2) The conditions of service of the Secretary shall be such as may be prescribed.

54D. *Power to borrow.*—(1) The development authority may borrow money by way of loans or debentures from such sources and on such terms and conditions as may be approved by the Government.

(2) The development authority shall maintain a sinking fund for the repayment of moneys borrowed under sub-section (1), and shall pay every year into the sinking fund such sum as may be sufficient for repayment within the period fixed of all moneys so borrowed.

(3) The sinking fund or any part thereof shall be applied in, or towards the discharge of the loan for which such fund was created and until such loan is wholly discharged it shall not be applied for any other purpose.

54E. *Application of Act to development authorities.*—When a development authority has been duly constituted, the provisions of Chapters I to VIII of this Act shall, within the area for which it is constituted, apply in full as though the expression "development authority" were substituted for the expression "municipal council" and the expression "Chairman of the development authority" were substituted for the expressions "Chairman of the council" or "Chairman" subject to such conditions and limitations as may be specified in the notification under section 54A constituting such authority.

54F. *Application of certain provisions to development authority.*—The provisions of sections 47, 48, 49, 50A, 51, 52, 53 and 54 shall, in so far as they are not inconsistent with the provisions of this Chapter, apply in respect of the development authority as though the words "development authority", "Chairman of the development authority" and "Secretary of the development authority" were substituted for the word "trust" and the words

"Chairman of the Trust" and, "executive trustee" respectively and the words "member of the development authority" were substituted for the word "trustee".

54G. *Power to purchase land.*—The development authority may enter into agreement with any person for the purchase of any land for the purposes of any town-planning scheme, provided that the value of the land shall not exceed the value fixed by the District Collector.

54H. *Delegation of powers.*—The development authority may, with the previous sanction of the Government, delegate any of its powers under this Act to the Chairman of the development authority or the Secretary or any other officer of the authority.

54I. *Transfer of staff, assets and liabilities to development authority.*—(1) Every officer or other employee of a trust created for any area under section 45 in the employment of that trust immediately before the constitution of a development authority for that area shall, in so far as such employee is employed in connection with the affairs of the trust, become, as from such constitution, an officer or other employee, as the case may be, of that development authority and shall hold his office by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension and gratuity and other matters as he would have held under the trust if that development authority had not been constituted and shall continue to do so unless and until his employment under the development authority is terminated or until his remuneration, terms and conditions are duly altered by the development authority.

(2) The Government may, by notification in the Gazette, transfer the assets and liabilities of the trust created for any area under section 45 to the development authority constituted for that area.

(3) All the schemes notified, prepared and published by a trust created under section 45 in respect of any area shall be considered as schemes duly notified prepared and published by the Development authority constituted for that area.

4. *Repeal and saving.*—(1) The Town Planning Laws (Amendment) Ordinance, 1976 (2 of 1976), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Town Planning Act (IV of 1108) or the Madras Town Planning Act, 1920 (Madras Act VII of 1920), as amended by the said Ordinance, shall be deemed to have been done or taken under the Town Planning Act (IV of 1108) or the Madras Town Planning Act 1920 as the case may be, as amended by this Act, as if this Act had commenced on the 17th day of January, 1976.

STATEMENT OF OBJECTS AND REASONS

The idea of creation of a Greater Cochin Development Authority had been under the consideration of the Government for a very long time. The Cochin Town-Planning Trust had outgrown its institutional frame work due to its expanding activities in planning and development of the Greater Cochin region. The Cochin Town-Planning Trust had prepared and begun implementing more than thirty detailed town-planning schemes, which if implemented vigorously would go a long way towards the solution of the pressing urban problems of the Greater Cochin area. It was considered that the town-planning schemes prepared by the Cochin Town-Planning Trust would be more successfully implemented by the creation of a development authority. The creation of a development authority will also attract financial assistance from agencies such as HUDCO., Life Insurance Corporation etc.

2. The Town-Planning Act (IV of 1108) which is applicable to the Travancore-Cochin area of the State and the Madras Town-Planning Act, 1920, which is applicable to the Malabar area of the State did not contain provision for the consitution of development authorities. Though the immediate necessity was to constitute a development authority for the Greater Cochin area, it may be necessary to constitute development authorities for other areas of the State also. It was therefore proposed to amend the said Acts to enable the constitution of development authorities.

3. As the constitution of a development authority for the Greater Cochin area was an immediate necessity and as the Legislative Assembly was not in session, the proposed amendments had to be made by the promulgation of an Ordinance. Accordingly, the Town-Planning Laws (Amendment Ordinance), 1976 was promulgated by the Governor on the 17th January 1976. The Bill seeks to replace the Ordinance by an Act of the Legislature

FINANCIAL MEMORANDUM

The Bill, if passed and brought into force, would not involve any expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill seeks to insert new sections 53A to 53I in the Town Planning Act (IV of 1108). Section 53A seeks to empower the Government to constitute, by notification in the Gazette a development authority for any area if the Government decide that the interests of planning and development in that area will be best served by entrusting it to such an authority. Section 53B seeks to empower the Government to appoint the Chairman of the authority, to nominate certain other members of the authority and to fix the strength of the authority, the number of members to be elected by local authorities, the

local authorities by whom they shall be elected and the number of members to be nominated by the Government. Section 53C seeks to empower the Government to appoint an Officer of the Government, not below the rank of a Class I Officer, as the Secretary of the development authority and to prescribe the conditions of his service. Section 53H seeks to empower the development authority to delegate its powers to the Chairman of the authority or the Secretary or any other Officer of the authority, with the previous sanction of the Government. According to sub-section (2) of section 53I, the Government have power to transfer, by Notification in the Gazette, the assets and liabilities of the town planning trust created for any area under section 44 of the Act to the development authority constituted for that area.

2. Clause 3 of the Bill seeks to insert similar provisions in the Madras Town Planning Act, 1920.

3. The powers proposed to be conferred on the Government and the development authority by the provisions mentioned above are of an administrative or routine nature. The delegation of legislative power is therefore of a normal character.

K. AVUKADERKUTTY NAHA.